

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON FEBRUARY 5, 2007, AT 6:00 P.M.

**PRESENT: CHIVOUS BRADLEY, CHAIRMAN
PAUL MCINTOSH, VICE CHAIRMAN
MARGARET HELTON
CHARLES HILL
BRENT WASHBURN**

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INVOCATION/PLEDGE OF ALLEGIANCE

Chairman Bradley called the meeting to order. Commissioner Helton gave the invocation, and Vice Chairman McIntosh led in the Pledge of Allegiance.

ADOPTION OF AGENDA AND AMENDMENTS

Commissioner Helton made a motion to adopt the agenda as amended. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

Addition to the agenda:

- Minutes of January 24, 2007
- Tax Refunds and Releases
- Resolution Supporting Property Tax Relief Legislation
- Agreement for Medical Care for Detention Center
- Legislative Request for Local Referendum for High Impact Ordinance
- Closed Session for PROPERTY ACQUISITION G.S. 143-318.11(A)(5)

PUBLIC HEARING TO CLOSE CDBG GRANT IN HENRIETTA

Chairman Bradley declared the public hearing open to listen to comments regarding the county closing a community development block grant under the concentrated needs category. Ms. Teresa Spires of IPDC provided a summary of work done on Main Street and New Town Loop in Henrietta under a \$600,000 Concentrated Needs Grant awarded by the state in April 2004. Work accomplished included rehabilitation of 8 homes, replacement of 2 homes, clearance and site preparation, repair of 9 septic tanks, and improved drainage on both streets. She pointed to the collaboration of several entities in these projects, including Habitat for Humanity, which built two new homes, and Rutherford Housing Partnership, which received \$25,000 for urgent repairs that was used to serve the needs of 19 households countywide. Vice Chairman McIntosh asked about the unexpended \$6,000; Ms. Spires confirmed that this amount will be reverted to the state.

No one else wished to speak.

Chairman Bradley declared the public hearing closed.

Commissioner Hill made a motion to approve the close-out of the CDBG Concentrated Needs Grant in Henrietta. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

PUBLIC HEARING\ROAD NAME, ADDRESSING, AND DISPLAY ORDINANCE
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Chairman Bradley declared the public hearing open to listen to comments regarding a proposed amendment to the Road Name, Addressing, and Display Ordinance. Manager Condrey reviewed the proposed changes in the Road Name, Addressing, and Display Ordinance, which had been presented at the last meeting. He said the major change will be to give the Tax Department authority to designate a street name in the event of a dispute.

No one else wished to speak.

Chairman Bradley declared the public hearing closed.

Commissioner Hill made a motion to approve the changes to the Road Name, Addressing and Display Ordinance. Commissioner Washburn seconded the motion. The motion was unanimously approved.

Amendment to Road Name, Addressing, and Display Ordinance

Section 2. Definitions shall be changed to read as follows:

(6) Mobile Home: A residential dwelling unit designed for transportation after fabrication on its own wheels, which is built on a permanent chassis and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy. Travel trailers and campers shall not be considered mobile homes.

(12) Private Street and Mobile Home Park Road: Street which is not intended to become a public street and which shall be used for access to a particular site or group development to include any street, roadway or driveway which serves two or more and which has not been dedicated to the public use.

Section 3. Road Names

New

(F) Private Streets as defined in Section 2 shall be named when the building pre-permit for the third residence utilizing the street for ingress and egress is applied for. The street name shall be agreed on by 51% of the land owners whose boundaries touch said street or driveway. The Addressing Department retains the right to refuse street names that do not conform with National Emergency Number Association (NENA) standards. A petition of agreement to the street name signed by land owners is to be presented to the Addressing Department when

requesting the pre-permit form. A fee of \$100.00 for the cost of purchasing and erecting the street sign will be paid to the Addressing Department after acceptance of the street name. If the street name can not be agreed upon by the majority of land owners or they refuse to name the street or driveway, it will be named by the Rutherford County E911 Addressing Department. In this case the cost of the street sign is borne by the county.

Adopted this the 5th day of February, 2007.

PUBLIC COMMENTS

Chairman Bradley opened the floor for public comments.

Peggy Hamrick spoke in favor of the 2000-foot setback for quarry/asphalt plant operations, which she said would be the same as the setback in the School Zone Protective Ordinance. She asked the Commissioners to place quarry operations in Category 5.

Bryson Jones read from a news article from the Charlotte Observer about the potential hazards of fine grit from quarry and asphalt plants.

CONSENT AGENDA

Commissioner Washburn made a motion to approve the consent agenda. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

Minutes

By consent, the minutes of the January 8, 2007, January 16, 2007, and January 24, 2007, meetings were approved.

Tax Refunds and Releases

By consent, tax refunds of \$1,764.82 and tax releases greater than \$100 totaling \$4,324.59 as outlined by Tax Administrator Rick Johnson were accepted. Tax releases of amounts less than \$100, which totaled \$2,023.62, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

APPOINTMENTS

Chairman Bradley ruled that appointments scheduled to be made at this meeting be deferred to the next meeting so that procedures to implement the policy approved at the last meeting can be completed for these nominees.

PROCLAMATION\PREVENT A LITTER MONTH

Commissioner Hill presented a proclamation for "Prevent a Litter Month" in February and for Spay/Neuter Day on February 27. He made a motion to adopt the resolution. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

RESOLUTION

Designating February 2007 as "Prevent A Litter Month"

Designating Tuesday, February 27, 2007 as "Spay Day Rutherford County"

WHEREAS, dogs and cats give companionship to and share the homes of over 50,000,000 individuals in the United States; and

WHEREAS, two unaltered cats and their kittens can produce 420,000 more cats in seven years and two unaltered dogs and their puppies can produce 67,000 more dogs in six years; and

WHEREAS, humane societies and shelters euthanize 8 to 10 million dogs and cats each year, although many of them are healthy and adoptable, simply because there are not enough good homes; and

WHEREAS, spaying and neutering dogs and cats has been shown to drastically reduce dog and cat overpopulation.

NOW, THEREFORE, BE IT RESOLVED by the Rutherford County Board of Commissioners that February is designated

"Prevent A Litter Month"

and February 27, 2007 is designated

"Spay Day Rutherford County."

The Chairman calls upon all the citizens of Rutherford County to observe the day by having their own dogs or cats spayed or neutered or by sponsoring the spaying or neutering of another person's dog or cat.

Adopted this the 5th day of February, 2007.

RESOLUTION\PROPERTY TAX RELIEF FOR SENIORS

Commissioner Helton read the text of a resolution she had prepared which would ask the state legislature to increase the income limits and the percentage of tax relief for seniors under the current homestead exemption act, and would freeze the valuation of residences occupied by persons over the age of 65 who had owned and occupied the home for a period of ten years or more. She made a motion that the resolution be adopted.

Commissioner Hill seconded the motion for discussion purposes.

Chairman Bradley questioned the latter part of the proposal regarding the freeze on property valuations, which he said he could not support.

Commissioner Hill made a suggestion that the Commissioners discuss this proposal in greater depth at the upcoming retreat.

Commissioner Helton said that she would agree to postpone action on the resolution.

Vice Chairman McIntosh cited numbers for age characteristics of the county's population. He said the Commissioners should examine the overall tax structure.

Commissioner Washburn expressed concern about the county's dependence on property taxes and said he hoped something might come out of a comprehensive tax study.

Commissioner Hill withdrew his second.

Commissioner Helton withdrew her motion.

UPDATE/ECONOMIC DEVELOPMENT COMMISSION

Chairman Bradley called the attention of the board to a report from the Economic Development Commission that was in the agenda packet. Kerry Giles, who had been scheduled to present the report in person, was unable to attend the meeting due to illness.

ADVERTISEMENT FOR UNPAID TAXES

Tax Administrator Rick Johnson appeared before the Commissioners as required by NC State Statute G. S. 105-369 to request authority to publicize unpaid taxes.

Commissioner Washburn made a motion to approve the request to advertise for unpaid taxes on March 16, 2007. Commissioner Hill seconded the motion. The motion was unanimously approved.

RUTHERFORD COUNTY COMMUNITY CHILD PROTECTION TEAM ANNUAL REPORT

Mr. John Carroll of the Department of Social Services presented a report summarizing the activities of the Rutherford County Community Child Protection team for the past year.

Chairman Bradley postponed the appointment of members to the RCCCP until the next meeting so that the procedures to implement the policy voted at the last meeting can be completed for these nominees.

ADMINISTRATIVE AGREEMENT\IPDC\THIEMAN METALS SEWER PROJECT

Manager Condrey presented a proposed agreement for the management of the CDBG grant awarded by the state for sewer construction for Thieman Metal Technologies. The term of the grant is October 5, 2006-October 5, 2008.

Vice Chairman McIntosh made a motion to approve the agreement between Isothermal Planning and Development Commission and Rutherford County for the management of the CDBG Grant to construct public sewer to serve Thieman Metals in Ellenboro. Commissioner Hill seconded the motion. The motion was unanimously approved.

RESOLUTION\EXCEPTION TO MINI BROOKS ACT

Manager Condrey explained that under state law it is not permitted for prospective engineering firms to submit fee information until the most qualified bidder is identified. Because of the press of time to accommodate the needs of Thieman Metals, the Commissioners have the authority to enact an exception.

Commissioner Washburn made a motion to approve the resolution authorizing the consolidation of the normal negotiation process for engineering firms by requesting expected fee information. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

RESOLUTION

BE IT RESOLVED, That the Mini Brooks Act regarding the procurement of Architectural, Engineering and Surveying Services in the State of North Carolina does not allow local governments to request nor engineering firms to provide price information except after the highest qualifying firm has been identified and negotiations have begun.

BE IT FURTHER RESOLVED that this same act does allow for exceptions to this rule for specific contracts with special circumstances identified by the local government through a Resolution. This exception is identified in the act at Section 143-64.32.

BE IT FURTHER RESOLVED that the Rutherford County Board of Commissioners does approve an exception for the Thieman Metals engineering contract do to the tight timeframes required by the company. Thieman Metals has requested and Rutherford County has agreed to make every effort to get the sewer service installed and operating by the end of the summer. This requires that an engineering firm be hired very quickly and therefore the Board of Commissioners is agreeing to consolidate the normal negotiation process for engineering firms by requesting expected fee information of all firms involved.

ADOPTED this 5th day of February, 2007.

RESOLUTION AWARDING SERVICE REVOLVERS TO PAST OFFICERS

Commissioner Hill made a motion to approve the resolutions awarding service revolvers to Detective Sergeant Gary Owens and Sergeant James Owens of the Sheriff's Department. Commissioner Washburn seconded the motion. The motion was unanimously approved.

Resolution Acknowledging the Service of Sergeant James Owens and Awarding His Service Revolver to Him

WHEREAS, Sergeant James Owens has served Rutherford County Sheriff's Department for many years; and

WHEREAS, Sergeant Owens has dedicated his life to law enforcement and public service; and;

NOW, THEREFORE BE IT RESOLVED, the Board of Commissioners of the County of Rutherford, in accordance with NC General Statute 20-187.2, do hereby award Detective/Sergeant Owens his service revolver (45 Caliber P-220 Sig Sauer, Serial #G288035) in exchange for consideration of \$1.00.

Approved this the 5th day of February, 2007.

Resolution Acknowledging the Service of Detective/Sergeant Gary Owens and Awarding His Service Revolver to Him

WHEREAS, Detective/Sergeant Gary Owens has served Rutherford County Sheriff's Department for many years; and

WHEREAS, Detective/Sergeant Owens has dedicated his life to law enforcement and public service; and;

NOW, THEREFORE BE IT RESOLVED, the Board of Commissioners of the County of Rutherford, in accordance with NC General Statute 20-187.2, do hereby award Detective/Sergeant Owens his service revolver (45 Caliber P-220 Sig Sauer, Serial #G239533) in exchange for consideration of \$1.00.

Approved this the 5th day of February, 2007.

EMERGENCY MEDICAL DISPATCH

Sheriff Conner provided updated information on the Emergency Medical Dispatch (EMD) proposal which Lt. Don Huckabee had previously presented in March 2006. Under the program, dispatchers at the Communications Center would receive special training that would qualify them to provide medical assistance to callers in an emergency.

Lt. Larry Cochran provided unofficial estimates for the yearly cost of salaries and for the purchase of software and support fees. He said this is a service that addresses the first minutes of an emergency, which can mean life or death.

Vice Chairman McIntosh said he is a strong proponent of the proposal but that he would want to see more specific numbers. He noted that the current budget has contingency funds that might be used to get the program started.

Lt. Cochran stated that the first step would be to hire and train additional personnel as telecommunicators.

Manager Condrey will work with the Sheriff's Department and Lt. Cochran to work out a time line and budget needs for possible implementation of the Emergency Medical Dispatch system.

MEDICAL SERVICES/DETENTION CENTER

Sheriff Conner presented information on contracted services with a physician to provide medical services at the jail. Although the contract considerably overruns the previous medical services arrangement, Sheriff Conner said that it would save on emergency room calls, provide better service and possibly prevent future lawsuits. For the current budget year the Sheriff anticipates that savings in other areas would make up the shortfall for this item.

The Commissioners requested that the Sheriff solicit local doctors when the contract comes up for renewal.

Commissioner Washburn made a motion to approve the contract between Dr. John Piland and the Rutherford County Sheriff's Department for the provision of medical care at the jail at \$6,500 per month or \$78,000 per year. Vice Chairman McIntosh seconded the motion. the motion was unanimously approved.

ELLENBORO SCHOOL/RESOLUTION/TAX COLLECTOR'S REPORT

Chairman Bradley called attention to the resolution supporting preservation of Old Ellenboro School and the report from the tax office.

LEGISLATIVE REQUEST FOR LOCAL REFERENDUM FOR HIGH IMPACT ORDINANCE/RESOLUTION

Commissioner Hill made a motion to request the NC General Assembly to authorize a referendum in Rutherford County in August for a non-binding vote by individuals living outside municipalities and ETJ on the enactment of a high impact ordinance. Commissioner Washburn seconded the motion.

Vice Chairman McIntosh stated his view that every person who pays property taxes should have the opportunity to vote on the referendum.

The vote on the motion was as follows:

Ayes: Chairman Bradley, Commissioner Helton, Commissioner Hill, Commissioner Washburn, and Commissioner McIntosh.

**Resolution Calling for Referendum on High Impact Ordinance
for Rutherford County**

WHEREAS, the Rutherford County Board of Commissioners appointed a committee known as the Land Use Task Force on January 9, 2006 and directed this task force to gather data from the citizens of Rutherford County regarding land use planning; and

WHEREAS, the Land Use Task Force worked diligently with the citizens of Rutherford County through public forums and surveys to determine what a majority of the citizens believed to be the best solution for land use conflicts in the county; and

WHEREAS, after much deliberation the Land Use Task Force presented its recommendation which was a high impact ordinance; and

WHEREAS, the Rutherford County Commissioners had agreed that the decision on the question of land use in Rutherford County should be a decision made by the voters.

NOW, THEREFORE, BE IT RESOLVED that the Rutherford County Board of Commissioners request that Senator Walter Dalton and Representative Bob England introduce legislation that would allow the voters who reside outside municipal town limits and extraterritorial jurisdiction (ETJ) to vote on this high impact ordinance.

BE IT FURTHER RESOLVED that the ballot shall allow the voter to cast a ballot that would be non-binding for or against the approval by the Rutherford County Board of Commissioners of the High Impact Ordinance as presented and revised by the Land Use Task Force.

BE IT FURTHER RESOLVED that the Rutherford County Board of Commissioners request that the date of the referendum shall be in the month of August, 2007.

Adopted this the 5th day of February, 2007.

CLOSED SESSION/PROPERTY ACQUISITION G.S. 143-318.11(A)(5)
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Commissioner Helton made a motion to go into closed session to discuss property acquisition.

7:08 P.M. - The Board went into Closed Session.

7:28 P.M. - The Board returned to regular session.

ADJOURNMENT

Chairman Bradley declared the meeting adjourned.

Minutes of Rutherford County Commissioners' Meeting of February 5, 2007

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Adjournment at 7:28 p.m.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners